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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,659	12/28/2001	Dongge Li	US010181	1834

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

LE, BRIAN Q

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/034,659

Applicant(s)

LI ET AL

Examiner

Brian Q. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/28/01; 03/28/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 14 is rejected under 35 U.S.C. 101 because "An article of ... comprising a storage medium for storing one or more programs ..." of claim 11 is non-statutory because the terminology "a storage medium" and "programs" alone have no set definition. A statutory product with descriptive material must include a positive recitation of the computer readable medium -- MPEP 2106, case law, USPTO policy, all are founded on this. The Examiner suggests that the claims should be amended as follow: "An article of manufacture comprising a **computer readable storage medium** for storing one or more **computer programs** ..." (emphasis added).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Beardsley et al. U.S. Patent No. 6,154,559.

Regarding claim 1, Beardsley teaches a method for recognizing an object of interest in a processing system (abstract), the method comprising:

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creating at least one image model based at least in part on at least one sample image (head model) (column 2, lines 27-30; FIG. 1, element 34 and FIG. 1 to understand an entire teaching); receiving an input image of said object (FIG. 2B); extracting at least one signature feature from said input image (FIG. 1A, "signature" and FIG. 2B, element 76); determining a set of candidate models based at least in part on filtering out any image model that does not contain said at least one extracted feature (eliminate templates which are unlikely to match/does not contain the at least similar extracted feature) (column 3, lines 65 through column 4, line 2 and column 11, lines 10-39); forming a sample image template based at least in part on a candidate model (FIG. 1A and FIG. 1B); recognizing the object of interest based at least in part on comparing (cross-correlation comparison) said input image to said sample image template (FIG. 2B, element 78; FIG. 3B, element 102 and FIG. 4, step (c)).

For claim 2, Beardsley further teaches the method wherein the object of interest comprises a person (an individual) (column 7, lines 7-10).

Referring to claim 3, Beardsley discloses the method wherein said image model is a two dimensional model or three dimensional model (column 1, lines 52-60).

For claim 4, Beardsley also discloses the method wherein said candidate model is a two dimensional model or three dimensional model (column 1, lines 52-60 and FIG. 5).

Regarding claim 5, Beardsley further discloses the method wherein said signature feature is selected from the group consisting of skin features, hair features, age, gender, or a combination thereof (column 2, lines 45-67 and column 2, lines 30-40).

For 6, please refer back to claims 3-4 for the teachings.

Regarding claim 7, Beardsley shows the method wherein said method further comprises performing feature extraction upon receipt of the input image (FIG. 1B, element 52).

For claim 8, Beardsley teaches the method wherein said formation of a sample image template further comprises calculating at least one parameter of said object (cross-correlation calculation) (FIG. 3B, element 102).

Regarding claim 9, Beardsley also shows the method wherein said parameter is selected from the group consisting of direction, expression, articulation, lighting, or a combination thereof (pose-space) (FIG. 3A, FIG. 4, and column 6, lines 42-51).

Referring to claim 10, Beardsley teaches the method wherein said parameter is calculated based upon a cue obtained from an outside source (3 D measurements of the surround environments) (column 1, lines 55-60).

For claim 11, Beardsley further teaches the method wherein said outside source is selected from the group consisting of an audio source, a video source, a text source, or combinations thereof (column 2, lines 30-35).

For claims 12-13, please refer back to claim 1 for the teachings and explanations.

Also to claim 14, please refer back to claim 1. In addition, Beardsley An article of manufacture comprising a storage medium for storing one or more programs to process the aforementioned limitations (claim 1) (the system run on computer/CPU) (FIG. 1A and column 7, lines 15-40).

### ***CONCLUSION***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to recognizing object of interesting in a processing system:

U.S. Pat. No. 6,292,575 to Bortolussi et al., teaches real-time facial recognition and verification system.

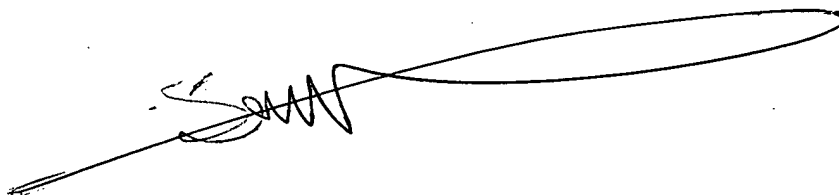
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q. Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BL  
October 28, 2005

A handwritten signature in black ink, appearing to read 'SAMIR AHMED', with a long, sweeping horizontal stroke extending to the right.

**SAMIR AHMED  
PRIMARY EXAMINER**